



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

FEDEX

AUG 29 2016

Mr. David Sugg, General Manager
Multi-Flex Plating Co.
109 Willows Avenue
Collingdale, PA 19023

**Re: Notice of Violation
Compliance Evaluation Inspection
May 4, 2016
Multi-Flex Plating Co.
EPA ID No. : PAR000503995**

Docket No.: R3-16-NOV-RCRA-028

Dear Mr. Sugg:

On May 4, 2016, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection (report narrative and photographic log sent with previous correspondence) of the Multi-Flex Plating Co. facility ("MFP" or "the facility") located in Collingdale, Pennsylvania, under the federally authorized Pennsylvania Solid Waste Management Act ("SWMA"), as amended, 35 P.S. §§ 6018.101 - 6018.1003, and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on the inspection and/or review of other pertinent information, EPA has determined that MFP was in violation of regulations promulgated under the SWMA and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violations are:

1. At the time of the inspection there were at least 20 x 55gal drums in the Pretreatment Area that were described as awaiting treatment. These drums were wrapped in plastic film, four to a pallet, with one label included in each wrap reading "Wastewater for Internal Treatment." However, the facility did not appear to have conducted determinations on any of the drums regarding whether or not they could be considered Hazardous Waste (HW). If the contents of the drums were being stored in a tank associated with the facility's pretreatment process, this waste would likely be exempt from RCRA through the wastewater treatment unit provisions. Since this waste was being stored in drums, however, those provisions would not apply. The facility must ensure that every waste generated onsite is properly determined as to whether or not it would be considered HW, and managed accordingly [Pa. Code 262a.10, 40 CFR §

262.11]. In MFP's case, it is also vital to include any determined HW into the facility's monthly generation amounts and total amounts of HW stored onsite, as crossing the thresholds for monthly generation (over 1,000 kg per month) or total HW storage (over 6,000 kg) would require MFP to comply with the Large Quantity Generator requirements or obtain a RCRA permit. Additionally, while onsite any drum or other container determined to contain HW must be individually labeled as HW and dated as to when HW was first added to it [Pa. Code 262a.10, 40 CFR § 262.34(a)(2 & 3)].

2. Also found during the inspection were several instances where open, unlabeled trash containers contained spent gloves and/or wipes: one found next to the cadmium plating line, one next to the zinc/nickel/tin lines, one next to the passivation/electroless nickel lines, one next to the chemical conversion of aluminum line, and one in the Plating Lab. The facility must determine whether or not any of these materials would be considered HW, and manage them accordingly. In particular, HW listings F007, F008, and F009 are all associated with plating solutions and/or baths which utilize cyanide, and any amount present on a glove or wipe could render the entire item as HW. Additionally, the facility stated during the inspection that spent aerosol cans are typically disposed of in the municipal trash waste stream. Depending on the amount and composition of any remaining contents or propellants, however, used aerosol cans are often determined to be HW. There are generally three options facilities may use in dealing with spent aerosol cans: 1) individually determine whether or not each can is HW, 2) puncture the cans to capture the contents as HW and send the empty cans offsite for metal recycling, or 3) assume that all cans are HW and collect them whole in a satellite or other HW container. Again, any drum or other container determined to contain such HW must be managed/disposed of accordingly.
3. In the Compressor Room six loose fluorescent lamps were found leaning in a corner, three of which were green-tipped. To allow for storage and management as Universal Waste, all used lamps must be placed into closed containers [Pa. Code 266b.1, 40 C.F.R. § 273.13(d)(1)] and marked with one of the following phrases: "Universal Waste Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)" [Pa. Code 266b.1, 40 C.F.R. § 273.14(e)]. Also found in this room was what appeared to be a spent battery on the floor, similarly unlabeled and undated. UW batteries (or the containers that store them) must be labeled with one of the following three phrases: "Universal Waste -- Battery(ies)," "Waste Battery(ies)," or "Used Battery(ies)" [Pa. Code 266b.1, 40 CFR § 273.14(a)]. Lastly, no UW may be stored onsite for longer than one year from the time of generation unless the requirements of 40 C.F.R. § 273.15(b) are met [Pa. Code 266b.1, 40 C.F.R. § 273.15(a)]. Therefore the facility must be able to demonstrate the length of time that the UW has been accumulated, either through marking the initial accumulation dates on the containers holding UW, or tracking initial accumulation dates through another method [Pa. Code 266b.1, 40 C.F.R. § 273.15(c)].


Within thirty (30) calendar days of the receipt of this NOV, please submit documentation of any measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that

EPA's determination of the alleged violations is in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not your facility is covered by the SBREFA.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law. This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing violations, including the ones cited in this letter, or past violations in any future enforcement action. The response to this NOV shall be addressed to:

Martin Matlin (3LC70)
U.S. Environmental Protection Agency - Region III
Office of Land Enforcement
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



Carol Amend, Associate Director
Office of Land Enforcement
Land and Chemicals Division

Aug 29, 2016
Date

Enclosure

cc: Melissa Gross, PADEP
Martin Matlin, 3LC70
Pauline Belgiovane, 3LC70